

Best Available Copy

NIXON & VANDERHYE PC3 Fax: 703-816-4100

Apr 14 2008 15:57

RECEIVED
CENTRAL FAX CENTER

APR 14 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

In re Patent Application of

MCNIE et al

Serial No. 10/565,017

Filed: January 19, 2006

Title: VARIABLE OPTICAL ATTENUATOR

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Atty Dkt. SCS-124-1144

C# M#

TC/A.U.: 2883

Examiner: M. El Shammaa

Date: April 14, 2008

FACSIMILE CERTIFICATE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on April 14, 2008, specifically to 571-273-8300.


Signature

Stanley C. Spooner
Reg. No. 27,393

No. of pages transmitted (including this cover sheet): 7 pages

Sir:

Correspondence Address Indication Form Attached.

NOTICE OF APPEAL

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the Examiner twice/finally rejecting \$510.00 (1401)/\$255.00 (2401) \$ 510.00 applicant's claim(s).

An appeal BRIEF is attached in the pending appeal of the above-identified application

\$510.00 (1402)/\$255.00 (2402) \$

Credit for fees paid in prior appeal without decision on merits

-\$()

A reply brief is attached.

(no fee)

Pre-Appeal Brief Request for Review form attached.

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s)

One Month Extension \$120.00 (1251)/\$60.00 (2251)

Two Month Extensions \$480.00 (1252)/\$230.00 (2252)

Three Month Extensions \$1050.00 (1253)/\$525.00 (2253)

Four Month Extensions \$1640.00 (1254)/\$820.00 (2254) \$

"Small entity" statement attached.

Less month extension previously paid on

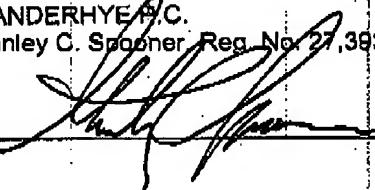
-\$()

TOTAL FEE ENCLOSED \$ 510.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

901 North Glebe Road, 11th Floor
Arlington, Virginia 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
SCS:kmm

NIXON & VANDERHYE P.C.
By Atty: Stanley C. Spooner, Reg. No. 27,393

Signature: 

04/15/2008 PCHOMP 00000008 141140 10565017
01 FC:1401 510.00 DA

1325905